

**REMARKS**

Claim 21 has been amended to replace “one film layer” with “one of the layers” and to replace “each film layer” with “each of the layers.” Antecedent basis for a barrier film “having one or more layers” appears in Claim 1, line 3. Claim 21 has also been amended to state that the fibrous nonwoven web is “continuously adjacent to the film” as shown in the drawings, Figs. 3 and 4. As shown in Figs. 3 and 4, the film and nonwoven web are at all points adjacent to each other, and do not have other layers between them.

**a) Claim Rejection Based On 35 U.S.C. § 112**

The rejection of Claim 21 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. The amendment to Claim 21 clarifies that only one film is recited, and the film has one or more layers as described. Similar clarifying language has been added to Claims 50 and 53. This rejection should be withdrawn.

**b) Claim Rejections Based On 35 U.S.C. § 103(a)**

The rejection of Claims 21-26, 31, 35, 37-39, 41, 44-54 and 56-58 under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,374,259 (“Takahashi et al.”) in view of U.S. Patent 6,028,160 (“Chandler et al.”) is respectfully traversed.

Takahashi et al. does not disclose or suggest an outer cover laminate including a film and a fibrous nonwoven web continuously adjacent to the film, in which each layer of the film and the fibrous nonwoven web include a biodegradable thermoplastic polymer as recited in Claims 21, 50 and 53. The outer cover disclosed in Takahashi et al. consists of a film or a nonwoven cloth, but not both (Col. 7 line 65 – Col. 8 line 26). The reference does not motivate a person skilled in the art to combine a biodegradable breathable film and a biodegradable nonwoven web continuously adjacent to the film, to form a breathable outer cover laminate as claimed.

Furthermore, Takahashi et al. specifies the use of biodegradable polymers other than the polymers recited in Applicants’ claims. The biodegradable polymers specified in Takahashi et al. include urethane bonds derived from diisocyanate coupling agents (Col. 3 lines 48-64) and apparently do not employ terephthalic acid. Claims 21 and 50, by contrast, recite biodegradable thermoplastic polymers selected from the group consisting of a) polylactic acid polymers, b) polyester terpolymers of butanediol, adipic or

succinic acid, and terephthalic acid, c) polycaprolactone polymers, and d) combinations thereof. Takahashi et al. does not disclose or suggest these polymers.

The Examiner alleges that Chandler et al. discloses biodegradable thermoplastic polymers as claimed by Applicants. However, the Examiner has found no suggestion in the prior art to substitute biodegradable polymers disclosed in Chandler et al. for the polymers that are clearly specified by Takahashi et al. Takahashi et al. places great emphasis on the specified diisocyanate-coupled polymers and does not provide for their substitution. The substitution of polymers proposed by the Examiner can only be based on improper hindsight.

Accordingly, this claim rejection should be withdrawn.

The additional rejection of Claims 40, 42 and 43 under 35 U.S.C. § 103(a) as obvious over Takahashi et al. and the article by Roberts entitled "Beta-Cyclodextrin Molecules And Their Use In Breathable Barriers" is respectfully traversed. These claims depend from Claim 21 and are patentable for at least the same reasons, explained above. The combined references do not disclose or suggest an outer cover laminate including a film and a fibrous nonwoven web continuously adjacent to the film, in which each layer of the film and the fibrous nonwoven web include a biodegradable thermoplastic polymer as recited in Claim 21. Moreover, there is no suggestion or motivation to combine Takahashi et al. with Chandler et al. as explained above.

Accordingly, this claim rejection should be withdrawn.

**d) Conclusion**

Applicants believe that the claims are in condition for allowance. If the Examiner disagrees, then Applicants' attorney maintains the previous request for a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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